

PATENT

Atty. Dkt. No. 03493.86913 (ATT/112518CON)

REMARKS

In view of the above amendment and the following discussion, the Applicants submit that none of the claims now pending in the application are made obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 32, 34 AND 35 UNDER 35 U.S.C. § 103

The Examiner has rejected claims 32, 34 and 35 in the Office Action under 35 U.S.C. § 103 as being unpatentable over by Hluchyj, et al. (U.S. Patent 5,425,029, issued on June 13, 1995, hereinafter referred to as "Hluchyj") in view of Voit, et al. (U.S. Patent 6,870,827, issued on March, 22, 2005, hereinafter referred to as "Voit"). Applicants respectfully traverse the rejection.

Hluchyj teaches a fast packet adaptation method for ensuring packet portability across diversified switching type networks. Hluchyj teaches that a fast packet is encapsulated at a first node and then re-mapped back to a fast packet at a second node. (See Hluchyj, col. 3, l. 55 – col. 4, l. 11.)

Voit teaches voice call alternative routing through PSTN and Internet networks. Voit teaches using an advanced intelligent network (AIN) to determine routing of voice calls alternatively between a public switched telephone network (PSTN) and a data packet network, such as the internet. (See Voit, Abstract.)

The Applicants respectfully submit that Hluchyj and Voit, alone or in any permissible combination, fail to teach or suggest a network comprising a frame relay switch for translating user data within at least one of the frame relay data packets into a fast packet address; wherein the frame relay switch is responsive to a plurality of different service categories and configured to determine a quality of service responsive to layer 4 data, as positively claimed by Applicants in independent claim 32. Specifically, Applicants' independent claim 32 recites:

32. A network comprising:
customer premises equipment;
a frame relay switch coupled to the customer premises equipment with at least one permanent virtual circuit and receiving a plurality of frame relay data

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packets, the frame relay switch for translating user data within at least one of the frame relay data packets into a fast packet address;

wherein the frame relay switch is responsive to a plurality of different service categories and configured to determine a quality of service responsive to layer 4 data. (Emphasis Added)

In one embodiment, the Applicants' invention teaches that layer 4 data may be utilized to determine a quality of service. For example, the switch can use the IP addresses and/or TCP logical ports to make quality of service (QOS) decisions. (e.g., See Applicants' specification, page 13, lines 7-9).

Additionally, in one embodiment, the Applicants' invention teaches that the switch is responsive to a plurality of service categories. The service categories may include the public internet, communication via a local intranet, communication within a closed user group (CUG), communication with an extranet, live audio/video transmission, multicasting, telephony over IP, or any combination thereof. (e.g., See Applicants' Specification, Page 13, Lines 15-21.) As such, Applicants' invention teaches a frame relay switch that is responsive to a plurality of different service categories AND configured to determine a quality of service responsive to layer 4 data.

First, the Examiner conceded that Hluchyj does not teach or suggest that the frame relay switch is responsive to a plurality of different service categories and configured to determine a quality of service responsive to layer 4 data. However, the Examiner alleged that Voit provides this teaching. Applicants respectfully disagree.

Voit only teaches a method that utilize an advanced intelligent network that has the ability to determine whether voice calls should be routed over a PSTN or a data packet network. However, Voit fails to teaches a frame relay switch that is responsive to a plurality of different service categories AND configured to determine a quality of service responsive to layer 4 data.

Furthermore, in one embodiment, Applicants' invention teaches a network comprising a frame relay switch for translating user data within at least one of the frame relay data packets into a fast packet address. In contrast, Hluchyj fails to teach, show or suggest Applicants' invention because Hluchyj only teaches that a fast packet is encapsulated at a first node and then re-mapped back to a fast packet at a second node. (See Hluchyj, col. 3, l. 55 – col. 4, l. 11.) In other words, Hluchyj teaches fast

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packet to fast packet encapsulation, unlike the Applicants' invention that teaches translating user data into a fast packet address. Therefore, Hluchyj clearly fails to teach, show or suggest the Applicants' invention.

Moreover, Voit fails to bridge the substantial gap left by Hluchyj. Voit only teaches using an advanced intelligent network (AIN) to determine routing of voice calls alternatively between a public switched telephone network (PSTN) and a data packet network, such as the internet. (See Voit, Abstract.) Therefore, the combination of Hluchyj and Voit does not teach, show or suggest the Applicants' invention of a network comprising a frame relay switch for translating user data within at least one of the frame relay data packets into a fast packet address.

Furthermore, dependent claims 34 and 35 depend from claim 32 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 34 and 35 are also patentable over Hluchyj and Voit and respectfully request the rejection be withdrawn.

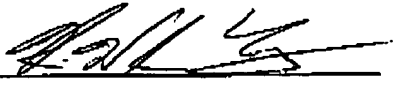
Conclusion

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

11/02/05
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